

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Brian Edward Brooks v Department of Corrections**  
Docket No. **286944**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The complaint for a writ of mandamus is DISMISSED for lack of jurisdiction. In his complaint for mandamus, plaintiff seeks an order reversing the Department's determination that he was guilty of a major misconduct violation. Our Legislature gave the circuit court where the prisoner resides or the Ingham Circuit Court jurisdiction to review the Department's disciplinary decisions. MCL 791.255(2). "[I]f the circuit court would have jurisdiction of an action seeking that relief," this Court cannot accept a complaint for a writ of mandamus seeking the same relief. MCR 3.301(A). Because plaintiff seeks relief from this Court over which the circuit court actually has jurisdiction, this Court cannot accept his original action. *Id.*



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV - 4 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk